

SEP 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Arlindo L. CASTELHANO et al.
Application No.:	10/718,280
Atty. Docket No.:	60390-IA
Confirmation No.:	1457
Customer No.:	38724
Filed:	November 20, 2003
Group Art No.:	1616
Examiner:	Alton Nathaniel PRYOR
Title:	Compounds Specific to Adenosine A <sub>1</sub> Receptor and Uses Thereof

**BY FACSIMILE – (571) 273-8300 (10 pages total)****Attention: OFFICE OF PETITIONS****Mail Stop Petition**

Commissioner for Patents

U.S. Patent &amp; Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

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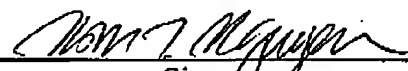
SEP 29 2005

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

Applicants respectfully submit the following:

- 1) Certificate of Transmission under 37 CFR 1.8 (2 pages)
- 2) Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) (Form PTO/SB/64, 2 pages)
- 3) Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (Form PTO/SB/82, 1 page)
- 4) Statement Under 37 CFR 3.73(b) (Form PTO/SB/96, 1 page)
- 5) Fee Transmittal Sheet (Form PT/SB/17, 1 page)
- 6) Response to March 14, 2005 Office Action (2 pages)
- 7) Terminal Disclaimer to Obviate A Double Patenting Rejection over a "Prior" Patent (Form PTO/SB/26, 1 page)

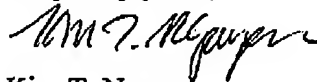
I hereby certify that the above-identified correspondence are being facsimile transmitted to the United States Patent and Trademark Office under 37 CFR 1.8 on

Sept. 28, 2005  
Date  
Signature  
Kim T. Nguyen  
Printed name of person signing Certificate

Commissioner is authorized to charge any deficiencies and credit any overpayment  
to OSI Pharmaceuticals, Inc. Deposit Account No. 50-2783.

Agent for Applicants can be reached at the telephone number and address below.

Very truly yours,



Kim T. Nguyen  
Agent for Applicants  
Registration No. 47,821  
Direct (631) 962-2089  
Fax (631) 752-3880

September 28, 2005  
OSI Pharmaceuticals, Inc.  
58 South Service Road, Suite 110  
Melville, NY 11747

SEP 28 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,630.00

**Complete if Known**

Application Number	10/718,280
Filing Date	November 20, 2003
First Named Inventor	Arlindo L. CASTELHANO et al.
Examiner Name	Alton Nathaniel PRYOR
Art Unit	1616
Attorney Docket No.	80390-1A

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-2783 Deposit Account Name: OSI Pharmaceuticals, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =

x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =

x =

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =

/ 50 =

(round up to a whole number) x

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revoke Fee under 37CFR1.17(m) & Terminal Disclaimer Fee

Fees Paid (\$)

\$1630.00

**SUBMITTED BY**

Signature	<i>Kim T. Nguyen</i>	Registration No. (Attorney/Agent) 47,821	Telephone (631) 962-2089
Name (Print/Type)	KIM T. NGUYEN		Date SEPT. 28, 2005

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SEP 28 2005

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		<b>Docket Number (Optional)</b> 60390-IA
First named inventor: Arlindo L. CASTELHANO et al.		
Application No.: 10/718,280	Art Unit: 1616	
Filed: November 20, 2003	Examiner: Alton Nathaniel PRYOR	
Title: Compounds Specific to Adenosine A1 Receptor and Uses Thereof		
Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>		
NOTE: A grantable petition requires the following items: <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
1. Petition fee <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,500.00</u> (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>09/28/05 Response to 03/14/05 Office Action</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

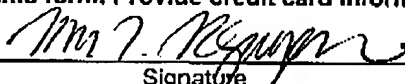
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

SEPTEMBER 28, 2005

Date

KIM T. NGUYEN

Typed or printed name

47,821

Registration Number, if applicable

OSI PHARMACEUTICALS, INC., 58 SOUTH SERVICE ROAD, SUITE 110

Address

(631) 962-2089

Telephone Number

MELVILLE, NY 11747

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Cert. of Transmission, Fee Transmittal, Change in Power of Attorney

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Sept. 28, 2005

Date

  
Signature

KIM T. NGUYEN

Typed or printed name of person signing certificate